

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 7993 of 2005

Between:

N. Bhaskara Rao, S/o Rathaiah,
Pedakakani Village & Mandal, Guntur District.

..... PETITIONER

AND

- 1 The Joint Collector, Guntur, Guntur District.
- 2 Revenue Divisional Officer, Guntur, Guntur District.
- 3 The Mandal Revenue Officer, Pedakakani, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the proceedings of 2nd respondent made in D.Dis.No. 3710/04B , dt. 9-3-2005 and set aside the same by holding the proceedings as arbitrary, illegal and violative of principles of natural justice and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MRKARANAMRAVI SANKAR BABU

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

ORAL ORDER:

Heard both sides. Perused the material placed before me.

The grievance of the petitioner is that his authorization as a Fair Price Shop dealer has been cancelled without issuing any show cause notice.

This aspect has been considered by a Division Bench of this Court in W.A. No. 524 of 2005 wherein it was observed that the relevant Distribution Order itself requires issuance of show cause notice to the fair price shop dealer in case for any reason, the authorization is sought to be cancelled. In other words, the authorization cannot be cancelled without following the principles of natural justice, which includes issuance of show cause notice, mentioning therein the various charges on which the authorization is sought to be cancelled, calling upon the fair price shop dealer to submit his/her explanation to the show cause notice and then holding an enquiry and passing appropriate orders after hearing the fair price shop dealer. The case on hand is also one similar to the above.

Having regard to the facts and circumstances of the case and in view of the observations made by the Division Bench of this Court in W.A. No. 524 of 2005, this writ petition deserves to be allowed.

Accordingly, the writ petition is allowed and the impugned order dated 9-3-2005 issued by the second respondent cancelling the authorization of the petitioner as a fair price shop dealer is set aside. However, the respondents are at liberty to issue a show cause notice before resorting to cancellation.

11-04-2005

Note:

Operative portion of the

Order may be given on wire at party's cost.

B/O KVSN

To

- 1 The Joint Collector, Guntur, Guntur District.
- 2 Revenue Divisional Officer, Guntur, Guntur District.
- 3 The Mandal Revenue Officer, Pedakakani, Guntur District.
- 4 Two CCs to GP for Civil Supplies, High Court Buildings, Hyderabad.
- 5 Two CD copies.